

3279. Misbranding of Rutang Botanical Laxative Compound, Rutang Super White Liniment, and Rutang tablets. U. S. v. 41 Bottles, etc. (F. D. C. No. 29389. Sample Nos. 81860-K to 81862-K, incl.)

LIBEL FILED: July 21, 1950, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 16 and 26 and June 5, 1950, from Columbus, Ohio.

PRODUCT: 41 1-pint bottles of *Rutang Botanical Laxative Compound*, 71 1-pint bottles of *Rutang Super White Liniment*, and 36 100-tablet bottles of *Rutang tablets* at Miami, Fla., in possession of the Vita Health Co., together with a number of circulars entitled "Rutang Price List No. 11."

Analysis showed that the *Rutang Botanical Laxative Compound* was an aqueous solution of plant extractives, including emodin; that the *Rutang Super White Liniment* was an aqueous ammoniacal suspension of turpentine and camphor; and that the *Rutang tablets* contained aspirin and calcium succinate.

RESULTS OF INVESTIGATION: The circulars described above were printed locally and were given to customers of the consignee.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying circular were false and misleading. The statements represented and suggested that the *Rutang Botanical Laxative Compound* was effective in the treatment of gastritis; that it was effective for providing strength and vitality, for making one feel better, for relieving pains, for curing the human body, and for preventing suffering; and that the *Rutang Super White Liniment* and the *Rutang tablets* were effective in the treatment of rheumatism, neuritis, and arthritis. The articles were not effective treatments for the conditions stated and implied.

The articles were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 12, 1950. Default decree of forfeiture and destruction.

3280. Misbranding of Liv and Scrub. U. S. v. 70 Jars, etc. (F. D. C. No. 29376. Sample Nos. 88167-K, 88168-K.)

LIBEL FILED: June 30, 1950, District of Colorado.

ALLEGED SHIPMENT: On or about April 4 and May 4, 1950, by Gene Salee, Inc., from Los Angeles, Calif.

PRODUCT: 70 2-ounce jars and 40 4-ounce jars of *Liv* and 67 2-ounce jars and 60 4-ounce jars of *Scrub* at Denver, Colo. Each jar contained a circular entitled "Liv."

RESULTS OF INVESTIGATION: On display in the store of the consignee, together with the articles, were a number of leaflets and a display placard entitled "Thrilling New Complexion Aid" and a display placard entitled "Healing Ointment On Market As Cosmetic."

The leaflets were given to customers and were available to anyone coming to the counter. Information obtained during the investigation indicated that the *Liv* consisted essentially of ichthammol, bentonite, glycerin, and water, and that the *Scrub* consisted essentially of almond meal, honey, cholestrin, and water.

LABEL, IN PART: (Jars) "Liv Beautifies Blemished Complexion" and "Scrub Cleanses Pores Stimulates Drab Skin."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the jar labels and in the circular contained in the jars were false and misleading

since the statements represented and suggested that the articles were effective in the removal of skin blemishes, blotches, and pimples, whereas the articles were not effective for such purposes; and certain statements in the leaflets and on the placards on display with the articles were false and misleading since they represented and suggested that the articles were efficacious in the removal of skin blemishes and blotches, pimples, pitted skin, acne, and edema with concomitant puffiness of face, and, further, that the articles were efficacious to promote rapid healing of burns, whereas the articles were not effective for such purposes.

The articles were misbranded when introduced into, and while in, interstate commerce by reason of the statements on the labels and in the circular referred to above, and were misbranded while held for sale after shipment in interstate commerce by reason of the statements described above in the leaflets and on the placards on display with the articles.

DISPOSITION: October 24, 1950. The shipper of the products having consented to the entry of a decree, judgment of condemnation was entered. Thereafter, the labeling of the product was destroyed, after which the products were disposed of by the marshal in accordance with the law.

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PRODUCTS

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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3281-3300

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations of the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *March 1, 1951.*

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*For presence of a habit-forming narcotic without warning statement, see Nos. 3283-3287; omission of, or unsatisfactory, ingredients statements, Nos. 3281, 3283, 3299, 3300; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3281-3287, 3294; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3281, 3283, 3284, 3294; cosmetic, actionable under the drug provisions of the Act, see No. 3297 (Dr. Shokunbi's F-62 Herbal Hair Growing Aid).

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

3281. Misbranding of diethylstilbestrol tablets, sulfadiazine tablets, and Dexedrine Sulfate tablets. U. S. v. Clifford H. McDaniel (City Drug Co.). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 29419. Sample Nos. 27080-K, 61049-K, 61644-K.)

INFORMATION FILED: June 7, 1950, Western District of Kentucky, against Clifford H. McDaniel, trading as the City Drug Co., Fulton, Ky.

INTERSTATE SHIPMENT: From the States of Indiana and Pennsylvania, into the State of Kentucky, of quantities of *diethylstilbestrol tablets*, *sulfadiazine tablets*, and *Dexedrine Sulfate tablets*.

ALLEGED VIOLATION: On or about September 13, 28, and 29, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused various quantities of the drugs to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; and, Section 502 (f) (1); the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (e) (1), the repackaged *sulfadiazine tablets* and *Dexedrine Sulfate tablets* failed to bear labels containing the common or usual name of the drugs; and, Section 502 (f) (2), the labeling of the *sulfadiazine tablets* bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: October 23, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$150.

3282. Misbranding of diethylstilbestrol tablets, Dexedrine Sulfate tablets, Benzedrine Sulfate tablets, sulfadiazine tablets, and thyroid tablets. U. S. v. Albert G. Wilson, Frank J. Kolb, Jr., and Thomas P. Turnbow. Pleas of nolo contendere. Fines of \$100 against defendant Wilson, \$100 against defendant Kolb, and \$50 against defendant Turnbow. (F. D. C. No. 29426. Sample Nos. 27072-K, 61047-K, 61728-K to 61730-K, incl.)

INFORMATION FILED: June 28, 1950, Western District of Kentucky, against Albert G. Wilson, a partner in the partnership of Wilson & Little Pharmacy, Mayfield, Ky., and against Frank J. Kolb, Jr., and Thomas P. Turnbow, pharmacists for the partnership.

INTERSTATE SHIPMENT: From the States of Indiana, Pennsylvania, and Missouri, into the State of Kentucky, of quantities of *diethylstilbestrol tablets*, *Dexedrine Sulfate tablets*, *Benzedrine Sulfate tablets*, *sulfadiazine tablets*, and *thyroid tablets*.

ALLEGED VIOLATION: While the drugs were being held for sale after shipment in interstate commerce, defendant Wilson caused various quantities of the *diethylstilbestrol tablets* and *Dexedrine Sulfate tablets* to be repacked and sold without a prescription on or about September 28, 1949; defendant Kolb caused various quantities of the *Benzedrine Sulfate tablets* and *sulfadiazine tablets* to be repacked and sold without a prescription on or about September